

Serial No. **10/698,382**  
Amendment dated April 12, 2006  
Reply to Office Action of December 12, 2005

Docket No. **IK-0068**

### **REMARKS/ARGUMENTS**

Claims 1-12, 14, 15 and 17-20 are pending in this application. By this Amendment, claims 11, 14 and 15 are amended and claims 13 and 16 are canceled. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). The amendment to claim 11 simply incorporates the features of dependent claim 13. Claim 13 is then canceled. The amendments to claims 14 and 15 conform those claims to the revised version of claim 11. Entry is thus requested.

#### **I. Allowable Subject Matter**

The Examiner is thanked for the indication that claims 2, 6, 9, 10 and 13-16 would be allowable if rewritten in independent form. Allowable subject matter from claim 13 has been incorporated into independent claim 11. Claim 13 is then canceled. Thus, it is respectfully

Serial No. **10/698,382**  
Amendment dated April 12, 2006  
Reply to Office Action of December 12, 2005

Docket No. **IK-0068**

submitted that independent claim 11, as well as claims 12, 14, 15 and 17-20, which depend therefrom, should be in condition for allowance.

## **II. Rejection Under 35 U.S.C. §103(a)**

The Office Action rejects claims 11, 12 and 17 under 35 U.S.C. §102(b) over U.S. Patent No. 3,009,725 to Koch. The rejection is respectfully traversed.

As noted above, the allowable subject matter from claim 13 has been incorporated into independent claim 11. It is therefore respectfully submitted that independent claim 11 is allowable. Rejected dependent claims 12 and 17 are allowable at least for the reasons set forth above with respect to independent claim 11, from which they depend, as well as for their added features. Withdrawal of the rejection of claims 11, 12 and 17 under 35 U.S.C. §102(b) over Koch is respectfully requested.

## **III. Rejection Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1, 3-5, 7, 8 and 16-20 under 35 U.S.C. §103(a) over Figures 1-2C of the present application in view of Koch. As noted above, claim 16 has been canceled. Thus, the rejection is moot with respect to this claim. With respect to the remaining claims, the rejection is respectfully traversed.

As noted above, claim 11 has been amended to incorporate the allowable features of claim 13. Claims 17-20 depend from claim 11 and are allowable for their dependency on claim 11, and for the additional features they recite.

Independent claim 1 recites, *inter alia*, a door coupled to one side of the drawer body and configured to pivot about an axis of rotation which is positioned proximate one end portion of the door, a gasket disposed between the axis of rotation and an edge portion of the one end portion of the door, and a cushioning member positioned between the gasket and the edge portion of the one end portion of the door. Claim 1 recites that the cushioning member is configured to prevent over compression of the gasket when the door pivots about the axis of the rotation. As acknowledged by the Examiner in the remarks regarding independent claim 1, Figures 1-2C of the present application neither disclose nor suggest such features. Further, Koch fails to overcome the deficiencies of Figures 1-2C of the present application.

Koch discloses a magnetic latch 10 for a refrigerator. A hinge 13 couples a door 12 to a cabinet 11 of the refrigerator, allowing the door 12 to rotate open and closed about the hinge 13. The latch 10 is positioned at a side edge of the door opposite the hinge 13, and includes a magnet 26 provided within a plastic housing 25 which is then screwed into a corresponding inner surface of the door 12. A gasket 21 is also positioned on the inner surface of the door 12 to form a seal between the door 12 and the cabinet 11 when the door 12 is closed.

It appears that a comparison is drawn in the Office Action between the cushioning member recited in independent claim 1 and the latch 10 disclosed by Koch. However, the purpose of the latch 10 is to provide for a magnetic closure of the door 12 relative to the cabinet 11. Koch clearly discloses that the housing portion 25 of the latch 10 is rigid (see column 3, lines 24-26 of Koch) and must remain in a fixed position so as to properly align with a sheet metal portion 18 of the cabinet 11 when the door 12 is closed. Thus, Koch neither discloses nor suggests that the latch 10 could or should provide for cushioning between the door 12 and the cabinet 11, nor that the latch 10 could or should preclude over compression of the gasket 21.

Even if one were to improperly assume that the latch 10 may be compared to the recited cushioning member, Koch neither discloses nor suggests a cushioning member positioned as recited in independent claim 1. More specifically, the door recited in independent claim 1 pivots about an axis of rotation positioned at a first end thereof, and a gasket is disposed between this axis of rotation and an end portion of this first end of the door. The cushioning member recited in independent claim 1 is then positioned between the gasket and the edge of this same, first end of the door. Thus, the axis of rotation, gasket and cushioning member recited in independent claim 1 are all aligned along the same side edge of the door. In contrast, in Koch's refrigerator, the hinge 13 (the axis of rotation) is positioned on a first side of the door 12, while the latch 10, which the Office Action considers the cushioning member, is positioned at the opposite side edge of the door. Thus, if the latch 10 is considered a cushioning member, then Koch neither

discloses nor suggests a cushioning member positioned between the gasket and the edge portion of the same, one end portion of the door proximate the axis of rotation, as recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 is allowable over the applied combination, and thus the rejection of independent claim 1 under 35 U.S.C. §103(a) over Figures 1-2C of the present application in view of Koch should be withdrawn. Rejected dependent claims 3-5, 7 and 8, as well as objected to claims 2, 6, 9 and 10, are allowable at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features.

In view of the foregoing, withdrawal of the rejection of claims 1, 3-5, 7, 8, and 17-20 is respectfully requested.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. **10/698,382**

Docket No. **IK-0068**

Amendment dated April 12, 2006

Reply to Office Action of December 12, 2005

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



John C. Eisenhart  
Registration No. 38,128  
Joanna K. Mason  
Registration No. 56,408

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
703 766-3701 DYK:JCE:JKM/cah

**Date: April 12, 2006**

Q:\Documents\2047-065\83196

**Please direct all correspondence to Customer Number 34610**